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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/A/7/457/70

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 2nd March, 1970 is hereby published for general information in pursuance of the provisions of rule 127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Maharashtra Co-operative Societies (First Goa, Daman and Diu Amendment) Bill, 1970

(Bill No. 6 of 1970)

A
BILL

to amend the Maharashtra Co-operative Societies Act, 1960 extended to the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty First Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Maharashtra Co-operative Societies (First Goa, Daman and Diu Amendment) Act, 1970.

(2) It shall come into force on such date as the Administrator, Goa, Daman and Diu, may, by notification in the Official Gazette, appoint.

2. *Insertion of section 91A.* — After section 91 of the Maharashtra Co-operative Societies Act, 1960 as extended to the Union territory of Goa, Daman and Diu (hereinafter referred to as the "principal Act") the following section shall be inserted, namely: —

"91A. Powers of a Central Bank to proceed against members of a Society for recovery of moneys due to it from such a society.

(1) If any society is unable to pay its debts to a Central Bank by reason of any of its members committing default in the payment of the moneys due by them, the Central Bank may direct such society to refer to the Registrar under section 91, the dispute between the society and the defaulting members thereof:

Provided that if such society fails to refer the dispute as aforesaid within a period of ninety days from the date of receipt of such direction, the Central Bank itself may refer to the Registrar the said dispute:

Provided further that in case of a reference the bye-laws of the defaulting society shall apply as if all references to the society or its committee in the said provisions were references to the Central Bank.

(2) Where a Central Bank has obtained a decree or award against any society in respect of the moneys due to it from such society, the Central Bank may proceed to recover such moneys firstly from the assets of that society and secondly from the members of that society to the extent of their debt due to that society."

3. *Insertion of section 100A.*— After section 100 of the principal Act, the following section shall be inserted, namely:—

"100A. Recovery of any sum advanced by a resource Society.— (1) Notwithstanding anything contained in sections 91, 93 and 98 on an application made by a resource society, for the recovery of arrears of any sum advanced by it to any of its members and on its furnishing a statement of accounts in respect of such arrears, the Registrar may, after making such inquiries as he may deem fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

(2) Where the Registrar is satisfied that a resource society has failed to take action under the foregoing sub-section in respect of arrears of any sum, the Registrar may of his own motion, after making such inquiries as he may deem fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.

(3) A certificate granted by the Registrar under sub-section (1) or sub-section (2) shall be final and conclusive proof of the arrears stated to be due therein and the same shall be recoverable according to the law for the time being in force for the recovery of arrears of land revenue."

4. *Insertion of section 110A.*— After section 110 of the principal Act, the following section shall be inserted, namely:—

"110A. Order for winding up of insured co-operative Bank, etc. not to be made without sanction of Reserve Bank of India.— Notwithstanding anything contained in this Act,—

(i) an order for the winding up, or an order sanctioning a scheme of compromise or arrangement or amalgamation or reconstruction of an insured co-operative bank cannot be made save with the previous sanction in writing of the Reserve Bank of India,

(ii) an order for the winding up of an insured co-operative bank shall be made if so required by the Reserve Bank of India in the circumstances referred to in section 13D of the Deposit Insurance Corporation, Act, 1961,

(iii) if so required by the Reserve Bank of India in the public interest or for preventing the affairs of an insured co-operative bank from being conducted in a manner detrimental to the interest of the depositors or for securing the proper management of such Bank, an order shall be made for the supersession of the managing body by whatever name called for such Bank and for the appointment of an administrator therefor for such period or periods not exceeding five years in the aggregate, as may from time to time be specified by the Reserve Bank of India;

(iv) an order for winding up of an insured co-operative bank or an order sanctioning a scheme of compromise or arrangement or of amalgamation or reconstruction or an order for the supersession of the managing body by whatever name called of such bank and appointment

of an administrator therefor made with the previous sanction in writing or on requisition of the Reserve Bank of India shall not be liable to be called in question in any manner, and

(v) the Liquidator or the insured Co-operative bank or the transferee bank, as the case may be, shall be under an obligation to repay to the Deposit Insurance Corporation established under section 3(1) of the Deposit Insurance Corporation Act, 1961 in the circumstances to the extent and in the manner referred to in section 21 of the Deposit Insurance Corporation Act, 1961.

Explanation: For the purpose of this section, an 'insured co-operative Bank' means a society which is an insured bank as defined under the provisions of the Deposit Insurance Corporation Act, 1961."

Statement of Object and Reasons

The object of amending the Maharashtra Cooperative Societies Act, 1960 as extended to this Union territory is mainly to insert new sections 91 A, 100 A and 110 A for the brief reasons as given below:

Section 91 A — Powers of a Central Bank to proceed against members of a defaulting society for recovery of moneys due to it from such society:

The incorporation of this Section by amending the present Act is aimed at putting a stop to the delay caused from the failure of the Cooperative Societies to file arbitration cases against their defaulting members or to move for execution of awards obtained against such members. By incorporation of this section, a central bank can initiate proceedings for recovery of its overdue loans against the defaulting members of the society concerned and effect speed recovery.

Section 100 A — Recovery of any sum advanced by a resource society:—

The course of Arbitration proceedings which the resource societies have to adopt for recovery of overdue loans is somewhat lengthy, time consuming and costly with the result that such dues are accumulating, thereby adversely affecting the working of the societies as well as of the Cooperative Banks. In the circumstances, the incorporation of this section, will speed up the work of recovery of loans from defaulting members of resource societies and enable those societies to take agricultural activities on a much larger scale.

Section 110 A — Order for winding up of insured cooperative Bank, etc. not to be made without sanction of Reserve Bank of India:—

The deposits with Commercial Banks have been insured since some years back, thereby giving additional security to the depositors but such facility of insurance cover has not been extended to the deposits with the Cooperative Banks. In order to remove this discrimination, the Parliament has in 1968 passed an Act called the Deposits Insurance Corporation Act, 1961. The said amendment provides for extension of insurance cover to the deposits with the Cooperative Banks, provided the law relating to Cooperative Societies in a State or Union Territory con-

tains the necessary provisions. The incorporation of the proposed new section will fulfil the said requirement.

Panaji,
23rd February, 1970.

A. K. S. USGAONKAR
Minister of State

Assembly Hall
Panaji,
3rd March, 1970.

O. P. GARG
Secretary to the Legislative
Assembly of Goa, Daman and Diu.

LA/A/7/458/70

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 2nd March, 1970 is hereby published for general information in pursuance of the provisions of rule 127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Indian Fisheries (Goa, Daman and Diu)
(Amendment), Bill, 1970

(Bill No. 7 of 1970)

A
BILL

to amend the Indian Fisheries Act, 1897 in its application to the Union territory of Goa, Daman and Diu and for the repeal of certain erstwhile Portuguese Legislation relating to Fisheries in force in the said Union territory.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty First Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act be called the Indian Fisheries (Goa, Daman and Diu Amendment No. 1) Act, 1970.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Lieutenant Governor of Goa, Daman and Diu may, by notification in the Official Gazette, appoint.

2. Amendment of Section 3.— In clause (2) of section 3 of the Indian Fisheries Act, 1897 (hereinafter referred to as the "principal Act"), after the word "trap" and before the words "or other contrivance", the words "fishing stakes" shall be inserted.

3. Amendment of Section 6.— (1) In sub-section (3) of section 6 of the principal Act—

(a) in clause (b), the word "and" shall be deleted.

(b) in clause (c), for the full stop semi-colon shall be substituted.

(c) after clause (c), the following shall be added namely:—

"(d) the ejection into water of any solid, liquid or gaseous matter including industrial effluents which may be harmful to the fishes in such water; and

(e) the prohibition of fishing except under a licence and the regulation of the grant of such licences, the fees payable therefor and the terms and conditions to be specified therein".

(2) After sub-section (6) of section 6 of the principal Act, the following shall be added namely:—

"(7) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislature of the Union territory of Goa, Daman and Diu while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following the Legislature agree in making any modification in the rule or the Legislature agree that the rule should not be made and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule."

4. Addition of Section 8.— After section 7 of the Principal Act the following shall be added namely:—

"8. Repeal and savings.— (1) As from the date of coming into force of the provisions of this Act, in the Union territory of Goa, Daman and Diu, the provisions of—

(a) Legislative Order No. 114 dated the 1st December, 1924,

(b) Legislative Order No. 669 dated 18-7-1933 and any other corresponding Order or Rule or law in force in the Union Territory of Goa, Daman and Diu shall stand repealed:

Provided that, the repeal shall not effect—

(a) the previous operation of any order or rule or law so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liabilities acquired, accrued or incurred under any order, rule or law so repealed, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any order, rule or law so repealed; or

(d) any investigation, proceeding, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, proceeding, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed."

Statement of objects and reasons

The disposal of fishing stakes in this territory is governed by Legislative Order No. 114, dated 1-12-1924 as amended by Legislative Order No. 669, dated 18-7-1933. Under the latter order, article 2

of the former order has been substituted by a new article. According to this substituted article, the fishing stakes are required to be given by bids in a public auction.

It has been observed that this system of giving fishing stakes by public auction is causing considerable hardship to the Stake Net Operators who are mostly poor fishermen. These Stake Net Operators have organised themselves into a Cooperative Society and it is decided by Government that the fishing stakes should be given to the Cooperative Society on a preferential basis without holding auctions. To give effect to this policy decision, it is necessary to repeal the above mentioned Legislative Orders and to suitably amend the Indian Fisheries Act, 1897, so as to enable Government to regulate the grant of fishing stakes by framing necessary rules.

In view of the fact that big chemical and fertilizer factories are being set up in this territory which will be discharging industrial effluents into creeks or rivers, a provision is also made in the Bill so as to enable the Government to frame rules to prohibit throwing into the water of any river, nalla or creek, of any solid, liquid or gaseous matter, including industrial effluents, which may be harmful to the

fishes in such water. The Bill seeks to amend the Indian Fisheries Act, 1897 in its application to the Union territory of Goa, Daman and Diu for the aforesaid purposes.

Memorandum regarding delegated legislation

Clause 3 of the Bill seeks to empower Government to frame rules to prohibit or regulate the ejection into water of any solid, liquid or gaseous matter including industrial effluents which may be harmful to the fishes in such water. It also empowers Government to frame rules for prohibition of fishing except under a licence and the regulation of the grant of such licences, the fees payable therefor and the terms and conditions to be specified therein. These are matters of detail and the delegation of legislative power with respect to them is of a normal character.

Panaji,

23rd February, 1970.

DAYANAND B. BANDODKAR

Chief Minister

Assembly Hall,

Panaji,

3rd March, 1970.

O. P. GARG

Secretary to the Legislative Assembly
of Goa, Daman and Diu